

Remarks

In the official action, the Examiner rejected claims 20-40 pending in this application under 35 U.S.C. 103 as allegedly being obvious over US Patent No. 6,027,254 to Yamada. This grounds for rejection is respectfully traversed.

It is noted that the Examiner only provides a very brief commentary at the bottom of page 2 of the official action as to why the claims in this application are being rejected. Unfortunately, the Applicant cannot tell, from the Examiner's comments, exactly why each and every claim pending in this application is being rejected. By way of example only, it is noted that claim 23 recites adjacent layers of P, I and N material. Exactly what layers disclosed in Yamada did the Examiner have in mind when the Examiner rejected claim 23? It is noted, for example, that Yamada has 81 Figures and that the Rules of Practice specifically indicate that when a reference is complex or shows or describes inventions other than that claimed by the Applicant, then the particular part relied upon must be designated as clearly as practicable. Please see 37 CFR 1.104(c)(2). It is the Examiner's obligation to point out with specificity the particular portions of the prior art references being relied upon. It is noted, with all due respect to the Examiner, that the Examiner has not done that. The only Figure that the Examiner refers to is Figure 9. The description of Figure 9 takes up most of column 14 of the patent and part of column 15. Since the Applicant cannot find any discussion of P, I or N layer in that portion of the Yamada reference, the Applicant is at a loss to know why claim 23, for example, is being rejected based on Yamada.

Similar questions could be asked about nearly every claim pending in this patent application that the Examiner rejected. With all due respect to the Examiner, it is unreasonable to expect the Applicant to go through such a complicated reference and try to discern what the Examiner had in mind in rejecting the claims, particularly when it is rather easy for the Examiner to express why the claims are being rejected in an official action when the Examiner has the reference before him.

Should any future prior art rejections be made against this application, the Examiner is

respectfully requested to faithfully follow the Rules of Practice with respect to citing the particular part of a prior art reference that the Examiner is relying upon in making a rejection of any claim.

The Examiner will note that claim 20 has been amended to recite that "the uppermost layer of the second substrate is disposed over the at least one dielectric waveguide" and to also recite that "one of the at least two active devices having a different physical shape and/or size compared to another one of said at least two active devices." These limitations clearly differentiate claim 20 from Yamada.

Enclosed herewith is an IDS which the Examiner is respectfully requested to make of reference in this application. It is believed that the present claims also patentably distinguish themselves from that document as well.

Reconsideration of this application as amended is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents

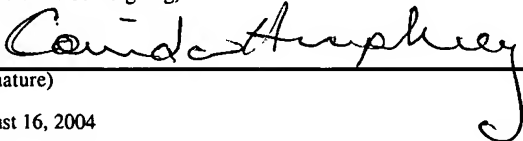
POB 1450, Alexandria, VA 22313-1450 on

August 16, 2004

(Date of Deposit)

Corinda Humphrey

(Name of Person Signing)



(Signature)

August 16, 2004

(Date)

Respectfully submitted,



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